IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side
WRIT PETITION NO.521 OF 2007

Umesh Shrikant Shetye. .. .. Petitioner
v/s.
Bashir Amir Murtuza & ors. .. .. Respondents

Mr.R.G. Ketkar for petitioner.
Mr.Gavankar for respondent No.1.
Mr.S.B.Shetye for respondent No.5.

CORAM : H.L. GOKHALE, ACTING C.J. &
V.M. KANADE, J.

DATED : 24th January 2007

P.C. :

1. Heard Mr.Ketkar in support of this Petition. Mr.Gavankar appears for respondent No.1. He points out that the order passed by us on 23rd January 2007 will lead to an impression that the Collector has got the power to pass the kind of order which the petitioner is claiming. He has taken us through Section 51A of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, 1965 (the "said Act" for short). In our view, the Collector cannot pass the kind of order which the petitioner is seeking. We, therefore, recall an order which we have passed on 23rd January 2007.

2. According to Mr.Gavankar, at the highest, the kind of application which is sought to be

made, could be made to the State Government under sub-section (5) of Section 51A of the said Act. It will be open to the petitioner to file such an application if that is the submission of the petitioner. We do not otherwise entertain the Petition. Petition stands rejected.

3. We record a statement of Mr.Gavankar that he will not raise any objection to the jurisdiction of the State Government, if any such application is filed.

(ACTING C.J.)

(V.M. KANADE, J.)